

**Remarks/Arguments:****REMARKS**

Please amend claims 1, 2, 10-12, 15, 16, 18, 20-22, 24-27, 29, 30, 32 and 38-41; cancel claims 3, 5, 9, 14, 17, 19, 23, 28, 31, 33, 37 and 42-43 and add new claims 44-52.

In paragraph 3 of the previous office action, the examiner rejects claims 1-43 under 35 U.S.C. 103(a) as being unpatentable over Gulick et al. (6,314,501) in view of Kutcher et al (6,301,615).

The examiner kindly provided recommendations for language changes that would put the application in condition for allowance in an informal telephone conversation of March 17, 2005. The applicant respectfully thanks the examiner for constructive recommendations for clarifying the claims. The claims herein have been amended to comply with the recommendations.

**Interview summary:**

In the interview, the examiner explained that throughput of the invention was not clearly distinguished over throughput in Gulick. Gulick's reference to throughput (Col 4, lines 40-42 and col 42 lines 54-57 is directed to interpartition communication by way of shared memory. Throughput of the present invention is directed to CPU utilization of a partition and partition network communication (NETSTAT and VMSTAT discussion page 30 lines 25 - page 31 line 4 and FIG. 14).

**Action:**

The applicant has amended the claims to show throughput detail in creating a "velocity metric" (page 31 lines 4-14) as shown. The applicant submits the amended claims are in condition for allowance, which allowance is respectfully requested.

**Interview summary:**

The examiner also explained that the allocating resources dynamically as a result of throughput was unclear and recommended the term "dynamically" be used to clarify the relationship.

**Action:**

The applicant submits the amended claims having the added limitation of "dynamically allocating cross system resources" are in condition for allowance, which allowance is respectfully requested.

Fig. 13 provides a view of an embodiment of claim 1 wherein the first partition 1301 collects cumulative first partition throughput information 1302 and uses the throughput information to calculate 1303 a velocity metric. The velocity metric is conveyed 1304 1305 1306 from the first partition 1301 to a partition manager (Workload Manager WLM) 1308. Cross system resources are dynamically allocated to the first partition by the partition manager (WLM via a Hypervisor) (page 31 lines 8-15).

**Interview summary:**

The examiner explained that the shared memory interpartition communication was a required limitation for making the claims allowable.

**Action:**

The applicant disagrees. The amended claims are allowable without the shared memory limitation.

In an Advisory action mailed April 1, 2005, the examiner refused to enter proposed amendments filed after final rejection as "they raise new issues that require further consideration and/or search". The applicant submits the claims as amended are in condition for allowance, which allowance is respectfully requested.

The applicant respectfully submits that claim 1 as amended is allowable, which allowance is requested.

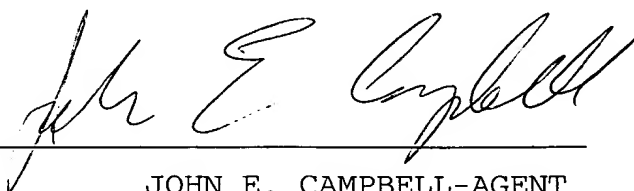
The applicant respectfully submits that claims 15 and 29 as amended comprise the limitations of amended claim 1 and are therefore allowable, which allowance is requested.

The applicant respectfully submits that claims 4, 6-8, 13, 18, 20-22, 27, 32, 34-36 and 41 and amended claims 2, 10-12, 15, 16, 24-26, 29, 30 and 38-40. as amended is allowable as they depend on allowable claims 1, 15 and 29, which allowance is requested.

The new claims 44-52 are allowable as they depend on allowable claims, which allowance is respectfully requested.

It is respectfully submitted that the application is now in condition for allowance, which allowance is respectfully requested.

RESPECTFULLY SUBMITTED

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